

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**February 23, 2009**

**C057773      THE PEOPLE v.      (Not For Publication)  
MICHAEL ALAN KHATOONIAN**

The trial court's order striking defendant's prior conviction enhancement is reversed. The matter is remanded for resentencing.

BLEASE, J.

We Concur: Scotland, P.J.

Davis, J.\*

\*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**February 24, 2009**

At 2:00 p.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

**C056502      HAUSELT v. COUNTY OF BUTTE**

Cause called. David Collins argued and Gary Livaich appeared only for appellant. Stephen E. Horan argued for respondent. Cause submitted.

At 2:28 p.m., the court recessed until Monday, March 16, 2009.

**February 25, 2009**

**MISC. ORDER 2009-003**

BY THE COURT:

Associate Justice George Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on March 2, 3, and 4, 2009, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C054729      THE PEOPLE v.      (Not For Publication)  
MARIO FLAVIO GARCIA**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**February 25, 2009, Continued**

**C057345      THE PEOPLE v. JAMES HAYES      (Certified For Partial Publication)**

The judgment is reversed.

SIMS, Acting P.J.

We Concur: Raye, J.

Davis, J.\*

\*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**C058712      GARNER v. SHAREEF      (Not For Publication)**

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Hull, J.

**C059686      SCOTT, JR. v. THE SUPERIOR COURT      (Certified For Publication)  
OF SACRAMENTO COUNTY;  
CHILDRESS et al.**

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue, directing the superior court to (1) vacate its orders joining Jan in the UPA action and compelling the parties to mediate custody and visitation, and (2) issue a new order denying Jan's request for relief. Having served their purposes, the stay is vacated and the alternative writ is discharged.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

**C059232      In re S.M. et al.; SACRAMENTO COUNTY      (Not For Publication)  
DEPARTMENT OF HEALTH & HUMAN  
SERVICES v. J.M. et al.**

The order terminating parental rights as to S.M. is vacated, and the matter is remanded with directions to the juvenile court to direct the Department to make additional inquiry regarding the paternal grandfather and his Indian relatives in an effort to obtain available identifying personal and tribal information.

... No issue having been raised as to J.H. and T.P., the appeals in their matters are dismissed.

BLEASE, Acting P.J.

We Concur: Raye, J.

Robie, J.

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**February 25, 2009, Continued**

**C058808      THE PEOPLE v. LARRY WAYNE BONNER**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
SCOTLAND, P.J.

**February 26, 2009**

**C060267**      **THE PEOPLE v.**      **(Not For Publication)**  
**EDMOND LEWIS MCCULLOUGH**  
The judgment is affirmed.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Robie, J.

**C057347 THE PEOPLE v. ANDREW JUSTIN MELTON**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**February 27, 2009**

**There were no minutes for this date.**